

In re Application of: Falck-Pedersen
 Application No. 08/653,114
 Filed: May 24, 1996
 For: Adenovirus Gene Expression System



PATENT
 Attorney Docket No. 201895
 Date: June 4, 2001

1632

COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

Transmitted herewith is an Amendment to the subject application.

Applicants claim small entity status of this application under 37 CFR 1.27.

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Petition for Extension of Time

Applicants petition for a extension of time under 37 CFR 1.136, the fee for which is \$0.00 (enclosed).

Applicants believe that no petition for an extension of time is necessary. However, to the extent that such petition is deemed necessary, Applicants hereby petition for a sufficient extension of time to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.

No additional claim fee is required.

Other: Amendments to Claims on June 4, 2001 and Pending Claims as of June 4, 2001

The claim fee has been calculated as shown below:

					SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	EXTRA CLAIMS PRESENT	RATE	ADDT. CLAIM FEE	RATE	ADDT. CLAIM FEE	
TOTAL	8	MINUS	20	=0	x 9=	\$0.00	x 18=	\$0.00
INDEPENDENT	2	MINUS	3	=0	x 40=	\$0.00	x 80=	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE CLAIM				+ 135=	\$	+ 270=	\$0.00	
				TOTAL	\$0.00	TOTAL	\$0.00	

Please charge my Deposit Account No. 12-1216 in the amount of \$. A duplicate copy of this sheet is attached.

A check in the amount of \$ is attached.

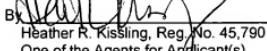
The Commissioner is hereby authorized to charge any deficiencies in the following fees associated with this communication or credit any overpayment to Deposit Account No. 12-1216. A duplicate copy of this sheet is attached.

Any filing fees under 37 CFR 1.16 for the presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

LEYDIG, VOIT & MAYER, LTD.


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Attorney Docket No. 201895

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Cofm In re Application of:
6-4-01

Falck-Pedersen

Group Art Unit: 1632

Application No. 08/653,114

Examiner: R. Schnizer

Filed: May 24, 1996

For: ADENOVIRUS GENE EXPRESSION SYSTEM

AMENDMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated March 6, 2001, please enter the following amendments and consider the following remarks.

AMENDMENTS

IN THE CLAIMS:

Sub N 1

1. (Twice Amended) An adenoviral vector for expressing a heterologous gene(s) in a host cell, comprising (a) at least one insertion site for cloning a selected heterologous gene; (b) a heterologous promoter positioned upstream from said at least one insertion site, wherein, upon cloning of the selected heterologous gene into said at least one insertion site, said gene is under the regulatory control of said heterologous promoter; (c) a eukaryotic splice acceptor and splice donor site positioned downstream of said promoter and upstream of said at least one insertion site; and (d) a polyadenylation sequence positioned downstream of said insertion site.

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3. (Twice Amended) The adenoviral vector according to Claim 1, wherein said heterologous promoter is a mouse cytomegalovirus early promoter, or an effective expression promoting fragment thereof.